**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH, NAGPUR.**

**Criminal Writ Petition No.283 of 2006**

Shri Umesh s/o Pralhad Jadhav .. Petitioner

vrs

State of Maharashtra and others .. Respondents

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Mr. O.Y. Kashid, Advocate for the petitioner,
Mr. D.B. Yengal, APP for the respondents/State.

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**Coram : K.J. Rohee, J.**
**Dated : 4th September, 2006**

1. Rule. Returnable forthwith. Heard finally by consent of parties.

2. By this petition under Article 226 of the Constitution of India, the petitioner seeks to quash the externment order dated 17/3/2006 passed by the Sub Divisional Magistrate, Balapur.

3. On 13/1/2006 show cause notice u/s 59 of the Bombay Police Act was served on the petitioner. It was alleged that twelve offences were registered against the petitioner at P.S. Ural and one offence each was registered against the petitioner at P.S. Chopda, P.S. Hiwarkhed and P.S. Ramdaspeth. All in Akola District. The notice called upon the petitioner to show cause as to why he should not be externed from Akola, Amravati, Buldana, Yavatmal and Washim Districts. In response to the show cause

notice the petitioner appeared before the Sub-Divisional Magistrate, Balapur and contested the proceedings. However, by order dated 17/3/2006 the petitioner was externed from Akola, Amravati and Buldana Districts for a period of two years. The petitioner preferred appeal against the said order before the State. However, by order dated 7/6/2006 Principal Secretary to the Government, Home Department (A & S), Mantralaya, Mumbai dismissed the appeal and confirmed the order passed by Sub-Divisional Magistrate, Balapur.

4. The learned counsel for the petitioner submitted that out of twelve offences registered against the petitioner at P.S. Ural, as many as four are Chapter Proceedings. He further pointed out that no offence has been registered against the petitioner in the District other than Akola. The learned counsel for the petitioner submitted that the impugned order of externment does not show any reason as to why the petitioner has been externed out of three districts. No reason is given by the Sub-Divisional Magistrate, Balapur as to why he selected three districts for externing the petitioner. He submitted that the order externing the petitioner out of three districts is excessive, in as much as offences have been registered against him only in the Police Station within Akola District.

5. I find considerable force in this submission. The impugned order does not give any reason as to why the Sub-Divisional Magistrate, Balapur thought it expedient to extern the petitioner out of three districts when offences have been registered against him only in Akola district. Thus the impugned order is excessive and on that count it cannot be sustained.

In view of **Umar Mohamed Malban .vrs. K.P. Gaikwad, Dy. Commissioner of Police & Another, 2000 ALL MR (Cri) 578**, the impugned order of externment will have to be quashed in its entirety. Hence the order :

6. The petition is allowed. The externment order dated 17/3/2006 and the appellate order dated 7/6/2006 are hereby quashed and set aside.

7. Rule is made absolute in the above terms.

**JUDGE**

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